

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Alexandra Davis,

Case No. _____

Plaintiff,

NOTICE OF REMOVAL

vs.

Jury Trial Demanded

PPC Fargo 45, Inc. and
Prairie Pasta Company, Inc.
d/b/a Noodles & Company #7201,

Defendants.

Defendants PPC Fargo 45, Inc. and Prairie Pasta Company, Inc. d/b/a Noodles & Company #7201 (hereinafter collectively, “Noodles & Company”), by and through its undersigned counsel, as and for its Notice of Removal of an action venued in the Seventh Judicial District Court, Clay County, Minnesota to the United States District Court, District of Minnesota, states:

REMOVAL IS TIMELY

1. On July 29, 2020, through service of a Summons and Complaint, Plaintiff Alexandra Davis (“Plaintiff”) commenced an action against Noodles & Company, in the Seventh Judicial District Court, Clay County, Minnesota. A true and correct copy of the Summons and Complaint is attached as Exhibit A.

2. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the date that Noodles & Company was served with the Summons and Complaint.

REMOVAL IS PROPER BASED ON FEDERAL QUESTION JURISDICTION

Plaintiff's Claim Arise Under Federal Law

3. In the Complaint, Plaintiff alleges violations of the federal Family Medical Leave Act (“FMLA”), 29 U.S.C. § 2615(a)(1) and 29 U.S.C. § 2615(a)(2). (Ex. A, Compl.)

4. This Court has subject matter jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. § 1331, and the action that Plaintiff served in State Court is properly removable under 28 U.S.C. § 1441.

DEFENDANT HAS COMPLIED WITH THE REMOVAL PROCEDURES

5. As required by 28 U.S.C. § 1446(a), Noodles & Company has attached as Exhibit A to this Notice of Removal a copy of all process, pleadings and orders served upon it relating to the State Court action.

6. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served upon Plaintiff, by and through her counsel of record, and with the Clerk of the Seventh Judicial District Court, Clay County, Minnesota, the State Court under which Plaintiff initially commenced an action against Noodles & Company.

DEFENDANT PRESERVES ALL DEFENSES

7. The Answer of Noodles & Company or other response to the Complaint was not due prior to filing this Notice of Removal. By filing this Notice of Removal, Noodles & Company does not waive any defense or counterclaim that may be available to it including jurisdictional defenses. As required under Fed. R. Civ. P. 81(c)(2), Noodles & Company will respond to the Complaint within the time set forth therein, unless an extension of the deadline is properly obtained pursuant this Court’s approval.

WHEREFORE, Noodles & Company respectfully removes the above-referenced cause of action from the Seventh Judicial District Court, Clay County, Minnesota to the United States District Court of Minnesota, submits that no further proceedings be had in Minnesota State Court, and requests such other and further relief as is necessary and proper.

Dated: August 19, 2020

/s/ *Angela Beranek Brandt*

Angela Beranek Brandt (#0293143)

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